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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,855	03/26/2007	Takeroh Kurenuma	289128US3PCT	5538

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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LEE, SUSAN SHUK YIN

ART UNIT	PAPER NUMBER
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2884

NOTIFICATION DATE	DELIVERY MODE
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04/28/2010

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

patentdocket@oblon.com  
oblonpat@oblon.com  
jgardner@oblon.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/574,855	<b>Applicant(s)</b> KURENUMA ET AL.	
	<b>Examiner</b> SUSAN S. LEE	<b>Art Unit</b> 2884	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2010 and 31 March 2010.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 and 25-47 is/are pending in the application.
- 4a) Of the above claim(s) 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 4, 13, 14, 21, and 26-38 is/are rejected.
- 7) ☒ Claim(s) 2, 3, 5-12, 15-20, 22 and 39-47 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>2/11/10, 3/31/10</u>  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

Applicant's election of species B in the reply filed on 2/11/10 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim 25 is withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected specie, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 2/11/10.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "a plurality of positioning-pin receiving openings" (claim 2) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet,

and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Figures 16 and 17 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 150-152, 160, 170, 180, and 190 from Fig. 16; and 250-256 from Fig. 17. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the

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application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: HOY. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

Claims 5 and 41 are objected to because of the following informalities:

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As to claim 5, line 2, "the toner receptacle holding member" lacks antecedent basis.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 13, 21, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Iwata et al. (Japan, 2004-018138 as disclosed in IDS filed 4/6/06).

Iwata et al. discloses a toner container having a cylindrical toner receptacle 50Y; a receptacle holding member 52Y; a toner replenishing unit 40Y; a pipe insertion section 57Y; a pipe 60Y; and suction unit 80Y. Note Fig. 4 and Abstract.

Claims 1, 4, 13, and 38 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsuda et al. (2005/0226676)

The applied reference has a common inventor with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome

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either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention "by another," or by an appropriate showing under 37 CFR 1.131.

Tsuda et al. discloses a toner container having a cylindrical toner receptacle 32Y; a receptacle holding member 40; a toner replenishing unit 6; a pipe insertion section; and a pipe 43. Note paragraphs [0041] – [0042].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Iwata et al. in view of Higeta (2002/0034398).

Iwata et al., as discussed above, differ from the instant invention by not disclosing the toner is refilled after the toner receptacle becomes empty.

It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the apparatus of Iwata et al. with that of Higeta et al. so that the toner container can be recycled.

Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuda et al. in view of Higeta (2002/0034398).

Tsuda et al., as discussed above, differ from the instant invention by not disclosing the toner is refilled after the toner receptacle becomes empty.

It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the apparatus of Tsuda et al. with that of Higeta et al. so that the toner container can be recycled.

Claims 26-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (Jepson claim) in view of Higeta et al. (2002/0034398).

Applicant's admitted prior art in the preamble discloses all the elements and method of recycling except for the method of creating a hole in the toner receptacle; refilling the toner in the toner receptacle through the hole; and closing the hole.

Higeta et al. discloses a method of using a drill or the like to create a hole in the toner receptacle 12; refilling toner in the toner receptacle 12 through the hole; and closing the hole with a seal or the like. Note paragraph [0222].

It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the method of Applicant's Admitted Prior Art with the method steps of Higeta et al. so that the toner container can be recycled.

As to creating a hole on the bottom surface of the rear end of the toner receptacle, it would have been an obvious matter of design choice to place the hole at any area that will be convenient to refill the toner in the toner receptacle, since applicant has not disclosed that creating the hole on the bottom surface of the rear end of the toner receptacle solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with a hole at any location of the toner receptacle.



Claims 32 -37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (Jepson claim) in view of Higeta et al. (2002/0034398), as applied to claims 26-31 above, and further in view of Yamada (5,520,229).

Applicant's Admitted Prior Art, as modified by Higeta et al., disclosed all methods of recycling except for the method of welding a resin material around the periphery of the hole.

Yamada discloses a method of using a film made of synthetic resin and the like and heat welding to a peripheral edge surface 31 defining a lower opening of the container 3a in such a manner that the seal sheet can prevent the leak of the developer D. The film is peelably adhered. Note paragraph 3, lines 48-52.

It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the method of Applicant's Admitted Prior Art and Higeta et al. with that of Yamada so that a hole of the toner receptacle can be resealed.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Maruyama, Hosokawa et al., Katsuyama et al., Muramatsu et al., and Nishitani disclose art in toner containers.

#### ***Allowable Subject Matter***

Claims 2, 3, 5-12, 15-20, 22, and 39-47 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SUSAN S. LEE whose telephone number is (571) 272-

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2137. The examiner can normally be reached on Mon. - Fri., 9:30-7:00, Second Monday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Porta can be reached on (571) 272-2444. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Susan S. Lee/  
Primary Examiner, Art Unit 2884

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